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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2013-252*

11 **AGNES DAYAO PASCO, AKA AGNES**
12 **SANO DAYAO**
13 **1302 Broadway**
Burbank, CA 91504

A C C U S A T I O N

14 **Registered Nurse License No. 715238**

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about November 7, 2007, the Board of Registered Nursing issued Registered
24 Nurse License Number 715238 to Agnes Dayao Pasco, aka Agnes Sano Dayao (Respondent).
25 The Registered Nurse License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on February 28, 2013, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 provides:

6 "The lapsing or suspension of a license by operation of law or by order or decision of the
7 board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the
8 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
9 against such license, or to render a decision suspending or revoking such license."

10 5. Pursuant to section 2811, subdivision (b), the Board may renew an expired
11 license at any time within eight (8) years after expiration.

12 **STATUTES AND REGULATIONS**

13 6. Section 2761 of the Code states:

14 "The board may take disciplinary action against a certified or licensed nurse or deny an
15 application for a certificate or license for any of the following:

16 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

17 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
18 functions.

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20 7. California Code of Regulations, title 16, section 1442, states:

21 "As used in Section 2761 of the code, "gross negligence" includes an extreme departure
22 from the standard of care which, under similar circumstances, would have ordinarily been
23 exercised by a competent registered nurse. Such an extreme departure means the repeated failure
24 to provide nursing care as required or failure to provide care or to exercise ordinary precaution in
25 a single situation which the nurse knew, or should have known, could have jeopardized the
26 client's health or life."

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1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 (Gross Negligence)

8 9. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
9 conjunction with California Code of Regulations, title 16, section 1442, in that Respondent
10 departed from the standard of care to an extreme degree. The circumstances are that on or about
11 March 4, 2009, while working as a registered nurse at Good Samaritan Hospital in Los Angeles,
12 California, Respondent failed to provide care and/or exercise ordinary precaution in a situation in
13 which she knew, or should have known, could have jeopardized a patient's life or health. The
14 specific circumstances are as follows:

15 a. Respondent failed to administer Dilaudid to Patient B.J. via the correct route on two
16 separate occasions, administering the medication intravenously instead of subcutaneously as
17 ordered by the physician;

18 b. Respondent failed to obtain a complete order from the physician and made the
19 decision on her own to administer a 10 ml vial of Marcaine to Patient B.J., thereby prescribing
20 medication without a license (i.e., operating outside the scope of her license); Marcaine is a local
21 anesthetic often used in surgical procedures to block pain.

22 c. Respondent failed to accurately document the amount of Marcaine she administered
23 to Patient B.J. by erroneously documenting in the electronic medication administration record
24 (EMAR) that she administered 10 ml when, according to her own admission, only 2 ml were
25 administered;

26 d. Respondent improperly administered a dose of Marcaine to the patient at the incorrect
27 site and failed to recognize that the medication should have been administered by a physician,
28 thereby prescribing medication without a license (i.e., operating outside the scope of her license);

1 e. Respondent administered 10 ml of Marcaine below the patient's left deltoid when the
2 only acceptable location in the arm to administer an intramuscular medication is the deltoid itself;

3 f. Respondent administered 10 ml of Marcaine below the left deltoid when the standard
4 of practice is to administer no more than 1 ml of intramuscular medication into the deltoid.

5 **SECOND CAUSE FOR DISCIPLINE**

6 (Unprofessional Conduct)

7 10. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
8 that Respondent engaged in unprofessional conduct. The circumstances are as follows:

9 a. On or about March 4, 2009, while working as a registered nurse at Good Samaritan
10 Hospital in Los Angeles, California, Respondent administered medication to Patient B.J. pursuant
11 to an incomplete physician's order without obtaining clarification from the ordering physician or
12 otherwise seeking guidance through the chain of command.

13 b. On or about March 4, 2009, Respondent administered a medication with which she
14 was not familiar (Marcaine) to Patient B.J. without utilizing the physician consultation report or a
15 drug reference resource to determine the type of drug being administered and its indications for
16 use.

17 c. Complainant refers to, and by this reference incorporates, the allegations set forth
18 above in paragraph 9, subdivisions a through f, inclusive, as though set forth fully herein.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 715238; issued to Agnes
23 Dayao Pasco, aka Agnes Sano Dayao;

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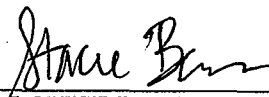
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1 2. Ordering Agnes Dayao Pasco to pay the Board of Registered Nursing the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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7 DATED: OCTOBER 10, 2012


fr LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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